

## EXAMINER'S AMENDMENT

### *Election/Restrictions*

Claims 1-3, 18-19, and 24-31 are allowable. The restriction requirement between species, as set forth in the Office action mailed on 11/20/2009, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 4-10, 14-15, 20-23, and 32, directed to non-elected species are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Erin Kelly on 7/8/2011.

The application has been amended as follows:

In line 3 of claim 1, delete "or metal".

In line 5 of claim 1, delete "or metal".

In line 8 of claim 1, delete "or metal oxide nanoparticles".

In lines 6-7 of claim 2, delete "wherein a metal halide-based compound is  $MX_a$ , where M is Ti, Zr, Ta, Nb, Mn, Sr, Ba, W, Mo, Sn, or Pb; X is F, Cl, Br, or I; and  $0 < a \leq 5$ ".

Cancel claims 11 and 12.

In line 2 of claim 24, delete "or metal".

In line 2 of claim 25, delete "or metal".

Replace the text of claim 29 with -- A method of producing magnetic oxide nanoparticles without using an oxidizing or a reducing agent comprising:

(1) adding a magnetic precursor to a surfactant or a solvent containing the surfactant to produce a mixed solution;

(2) heating the mixed solution to 50-600°C to decompose the magnetic precursor by heating so as to form the magnetic oxide nanoparticles; and

(3) separating the magnetic oxide nanoparticles, wherein the surfactant is a mixture of organic acid and organic amine, where said organic acid is  $C_nCOOH$ , and said organic amine is  $C_nNH_2$ , wherein  $C_n$  is hydrocarbon, and  $7 \leq n \leq 30$ , and wherein

diameters of the magnetic oxide nanoparticles are controlled by adjusting a composition ratio of surfactants.--

Cancel claims 33-35.

The following is an examiner's statement of reasons for allowance: The claims are allowable over the prior art for reasons elaborated by applicant on pages 12-15 of applicant's remarks of 10/12/2010.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. ZIMMER whose telephone number is (571)270-3591. The examiner can normally be reached on Monday - Friday 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stanley Silverman/  
Supervisory Patent Examiner, Art

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/ANTHONY J ZIMMER/  
Examiner, Art Unit 1736